

Docket No.: 713-1093

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
	:	
Alain VETTORETTI et al.	:	Confirmation No. 4137
	:	
U.S. Patent Application No. 10/803,159	:	Group Art Unit: 1745
	:	
Filed: March 18, 2004	:	Examiner: Monique M. WILLS
For: ELECTRIC HAND TOOL		

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Official Action mailed June 27, 2007 restriction to one of the following inventions is required under 35 USC 121:

- I. Claims 1-6 and 11-16, drawn to an electric hand tool, classified in class 81, subclass 488
- II. Claims 7-10 & 17-20, drawn to a battery for operating electric components classified in class 429, subclass 163.

In response, Applicants hereby elect Invention I, upon which claims 1-6 and 11-16 are readable.

The election is made *with traverse* because the Examiner has mischaracterized the Inventions as combination and subcombination. Applicants respectfully submit that the Inventions are best related as subcombinations usable together. Note that Invention I, e.g., claim 1, is directed to a "hand tool" that can be used together with a "battery" covered by Invention II, e.g., claim 7.

In view of the above, the Restriction Requirement is improperly formulated and should be withdrawn or at least rephrased.

Early examination on the merits is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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